

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

LUFKIN DIVISION

FREDRICK ANTHONY KISER	§	
VS.	§	CIVIL ACTION NO. 9:14-CV-125
DIRECTOR, TDCJ-CID	§	

MEMORANDUM OPINION AND ORDER

Petitioner Fredrick Anthony Kiser, an inmate confined at the Eastham Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, brings this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

The above-styled action was referred to the undersigned magistrate judge pursuant to 28 U.S.C. § 636 and the Local Rules for the Assignment of Duties to the United States Magistrate Judge for findings of fact, conclusions of law, and recommendations for the disposition of the case.

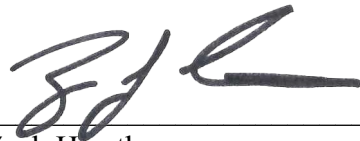
Discussion

Title 28 U.S.C. § 2254(a) allows a district court to “entertain an application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2254(a). A state prisoner is required to file his federal petition for writ of habeas corpus in either the district where the prisoner is incarcerated or the district where the prisoner was convicted and sentenced. 28 U.S.C. § 2241(d). Although both district courts have jurisdiction to entertain the application, “[t]he district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.” *Id.*

Petitioner was convicted and sentenced in Fort Bend County, Texas, which is located in the Southern District of Texas. This court has jurisdiction to entertain the petition because petitioner is currently confined at the Eastham Unit, which is located in the Eastern District of Texas. The court has considered the circumstances and has determined that the interests of justice would be served by transferring this petition to the district where petitioner was convicted and sentenced. Therefore, the petition should be transferred to the Houston Division of the Southern District of Texas for hearing and determination. It is accordingly

ORDERED that this petition for writ of habeas corpus is **TRANSFERRED** to the Houston Division of the United States District Court for the Southern District of Texas.

SIGNED this 30th day of September, 2014.

A handwritten signature in black ink, appearing to read 'Zack Hawthorn', written over a horizontal line.

Zack Hawthorn
United States Magistrate Judge